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PURVEYANCE IN ENGLAND UNDER ELIZABETH¹

Purveyance was an ancient institution long before Elizabeth's time, but showed few symptoms of senile decay. Essentially military in origin² as a levy upon the countryside for forage, its most characteristic manifestation as the pre-emption of goods and services for the royal use partook of this early military character. When the king and his court moved through the land, the poor peasants suffered as from a foreign invasion, and fled the field when chance afforded.³ In the transition to a more orderly society, purveyance lost most of its military significance, and even its inseparable connection with royal progresses became secondary to its constant function of providing the royal table with England's choicest products, at a price so far below the market as to constitute a direct tax of wide incidence and importance.

Blackstone's celebrated definition represents purveyance as a right enjoyed by the crown of buying up provisions and other necessities, by the intervention of the king's purveyors, for the use of his royal household, at an appraised valuation, in preference to all others, and even without consent of the owners: and also of forcibly impressing the carriages and horses of the subject, to do the king's business on the public roads, in the conveyance of timber, baggage, and the like, however inconvenient to the proprietor, upon paying him a settled price.⁴

Custom intervened to restrict prices to the level of an earlier day, and the rising cost of living in the sixteenth century was slow to reflect itself in purveyance schedules,⁵ while to unjust rates was added the grievance of somewhat haphazard incidence.⁶

¹ This paper is the outgrowth of a seminar in economic history conducted in 1916 by Professor Conyers Read of the University of Chicago, to whom the writer is deeply indebted for the most helpful criticism and guidance.

² William Stubbs, *The Constitutional History of England*, II, 564.

³ J. J. Jusserand, *English Wayfaring Life in the XIV Century*, p. 92; David Hume, *History of England* (ed. of 1778), I, 342.

⁴ Sir William Blackstone, *Commentaries on the Laws of England* (Oxford, 1778), I, 287.

⁵ Hume, *op. cit.*, V, 346.

⁶ *Ibid.*

Purveyance was thus one of the most irritating of direct imposts, equally burdensome to the people and embarrassing to the crown. It stood in the same relation to direct taxation that prisage of wine did to the customs,¹ and was the more heartily detested because it was so unequal in its burden, falling with greater weight upon some counties than upon others, and reaching individuals in some cases by chance, as the lightning strikes in the woods. It had long been a subject for protest on the part of the poor commons of England to their sovereigns, who now and then graciously yielded to the clamor of their subjects to the extent of cutting off the "hands, legs, or other members" of offending purveyors.² Such remedies were, however, more drastic than permanent.

The first really successful limitation of the prerogative of purveyance was in sections twenty-eight, thirty, and thirty-one of Magna Carta.³ Owners were guaranteed immediate payment for corn and other goods, unless they voluntarily accepted a postponement, and freemen were safeguarded from forced purveyance of horses or carts. In addition, timber rights were protected against the royal bailiffs "unless by consent of him to whom the wood belongs." Henry III re-enacted these provisions in the charters of 1216, 1217, and 1224,⁴ which fixed ten pence as the day's hire for a cart with two horses, and fourpence additional for a third horse.

The opening wedge thus inserted was far from democratic. Only freemen were protected, serfs and villeins being left to shift for themselves,⁵ and purveyance was by no means abolished,⁶ save in the one instance of timber.⁷ But precedent once gained might lead to better things. The purveyors themselves deserved and bore much of the odium of the system, and any curb upon their rapacity was popular. Edward I provided fines and imprisonment

¹ Stubbs, *op. cit.*, pp. 564-65.

² Hume, *op. cit.*, I, 342.

³ B. C. Barrington, *The Magna Carta and Other Great Charters of England*, pp. 237-38.

⁴ *Ibid.*, pp. 261-62, 275-76, and 282.

⁵ William Sharp McKechnie, *Magna Carta*, p. 142.

⁶ *Ibid.*, p. 387.

⁷ *Ibid.*, p. 394.

for dishonest purveyors,¹ and transcribed verbatim the provisions of 1224 into the charter of 1297. Seizure of goods without warrant and "without praisment made by the constables or other discreet men thereto sworne" was construed as felony.² The statute was equally severe against unauthorized taking of carriages, and failure to deliver or to pay for goods purveyed.³

Successive re-enactments of the purveyance restrictions in the Great Charter attest the continuance of abuses. Very irksome under Edward II, and leading to strenuous protests in 1309, 1310, and 1311,⁴ they culminated in the oppressive exactions of Edward III. Most of the anti-purveyance legislation of English history was a product of this reign, for no less than ten out of a total of thirty-six such statutes required Edward's ratification.⁵ The Hundred Years' War strained English finances even more seriously than the nation's struggle under Elizabeth against Spain. But it is significant that under both monarchs the necessities of the state induced a wide extension of purveyance. Edward encountered actual resistance, to which he yielded; Elizabeth averted any clash by skilful adaptation to circumstances.

Purveyance of timber near houses and castles was particularly detested, and Edward III granted treble damages in such cases.⁶ Nevertheless, he declined to admit Parliament's right to abolish purveyance, though he consented, perhaps whimsically, to a change of name, whereby purveyors were metamorphosed into buyers.⁷ Edward III was as modest as his grandfather in his requirements of owners' assent to sales and appraisal by a constable and four "discreet" neighbors, and equally accommodating in his willingness to punish offending purveyors.⁸ He extended the system,

¹ Sir Edward Coke, *Institutes of the Laws of England* (ed. of 1809), Part II, Vol. IV, 222-223, 3° Edw. I, Statutum de Westminster Primer, Cap. 32.

² *Ibid.*, V, 545 [546], 28° Edw. I, Cap. 2, Sec. 11 and Sec. 12.

³ *Ibid.*

⁴ Stubbs, *op. cit.*, pp. 338, 341, 345.

⁵ Dudley Julius Medley, *A Student's Manual of English Constitutional History*, p. 502.

⁶ William Bray, "An Account of the Obsolete Office of Purveyor to the King's Household," *Archaeologia*, VIII, 337.

⁷ Statutes of the Realm, I, 371, 36° Edw. III, Cap. 2.

⁸ Samuel R. Gardiner, *History of England*, I, 171.

notwithstanding, by compelling the forced labor of painters for St. Stephen's Chapel, Westminster, "to be at our wages as long as shall be necessary," subject to imprisonment for refusal,¹ a form of royal encroachment to which Windsor Castle, also, owes its magnificence.²

The century following Edward's death adds little to the history of purveyance, which remained a somewhat quiescent instrument of royal prerogative, susceptible of revival upon occasion. The accession of Henry VII left the situation unchanged. The royal household was economical, and paid almost the market price for wares.³ Henry VIII followed his frugal father to the extent of offering a fair rate of payment.⁴ But under neither of these strong sovereigns was Parliament permitted to invade the prerogative. It took advantage, however, of the minority of Edward VI to demand, for three years, prompt payment and the owner's consent to any kind of purveyance, and to specify rates for post horses and for transport equipment used in war.⁵ Philip and Mary confirmed the universities of Oxford and Cambridge in their ancient exemptions. But Elizabeth inherited purveyance as an essentially undisturbed prerogative. And it is the purpose of this paper, from the scattered material available, to show the state of purveyance and the extent and manner of its operation under the last of the Tudors.

The real tax in purveyance was the difference between the prices the Queen allowed and current market quotations. Inasmuch as this difference was great, the tax was heavy. The rates given in Table I⁶ would be more valuable if dated, but they are assigned by Bray to the time of Elizabeth.

On this basis, hay fared worst at two-fifteenths of the market price, and pullets were a close second at three-twentieths. No great generosity was shown toward hens, green geese, and wheat at one-sixth; while even the allowances for litter, wood, and veal were scarcely prodigal.

¹ McKechnie, *op. cit.*, p. 389.

² *Ibid.*

³ Bray, *op. cit.*, p. 347.

⁴ *Ibid.*

⁵ *Ibid.*, p. 348.

⁶ *Ibid.*, p. 350.

In 1582, Lancashire was responsible for forty great oxen at 53s. 4d. each,¹ representing a loss to the county of about seventeen shillings a head.² But this rate was not permanent or universal, for in 1595 Lincolnshire was one of several counties receiving £3 6s. 8d.³ for every ox delivered. Even at that price, however, complaints were grievous, showing a marked increase in the cost of provisions.

TABLE I

Middlesex	King's Price	Market Price
Wheat, 200 quarters.....	£o 6s. 8d.	£2 os. od.
Veals { ⁴⁰	o 12 o	1 2 o
{ ¹⁰⁰	o 6 8	1 2 o
Green geese, 20 dozen at....	o 3 o	o 18 o
Capons, course 10 dozen....	o 4 o	o 16 o
Hens, 20 dozen.....	o 2 o	o 12 o
Pullets, 20 dozen.....	o 1 6	o 10 o
Chickens, 40 dozen.....	o 2 o	o 6 o
Hay, 202 loads.....	o 4 o	1 10 o
Litter, 180 loads.....	o 4 o	o 10 o
Oats, 211 quarters, 2 bushels.	o 4 o	o 12 o
Wood, 200 loads.....	o 3 o	o 7 o

In 1592 and 1593, coincidently with a trend toward composition for purveyance, to be discussed later, new price agreements were contracted between the crown and the shires. The items given in Table II are from Hertford.⁴ Where possible, I have compared them with Thorold Rogers' lists.

Purveyance always demanded wheat of the first quality, on which the fixed price of 6s. 8d. extended to four hundred quarters. An elastic clause included seventy more at a sliding scale, either fourpence a bushel below the best price for prime wheat, or at prices current for the second grade.⁵ No great reduction in the crown's exactions appears in this table. The advantage of

¹ John Harland, *The Lancashire Lieutenancy under the Tudors and Stuarts*, p. 230.

² James E. Thorold Rogers, *A History of Agriculture and Prices in England*, IV, 332.

³ Cal. S. P. Dom., 1595-97, July 15, 1595, p. 70.

⁴ W. J. Hardy, *Hertford County Records, Sessions Rolls*, 1581-1698, I, 14, 16; Rogers, *op. cit.*, V, 347. For another table of prices, this time from Norfolk, from 1587 to 1591, see *The Official Papers of Sir Nathaniel Bacon*, "Camden Third Series," XXVI, 66.

⁵ Hardy, *op. cit.*, p. 14.

composition over strict purveyance, as will appear later, lay rather in the more considerate manner of its collection. What, then, of the original system and the means of its enforcement?

TABLE II

Article	Queen's Price		Market Price
Fat veales	3s. 4d.		{ 13s. 1d. in 1592
Fat lambs	1		{ 13 7 in 1593
Fat porkes	4		4 6
Flitches of bacon	1		33 4
Geese	4	a dozen	2s. 6d. each
Capons	4	a dozen	2 each
Hens	2	a dozen	4 each
Pullets	18	a dozen [<i>sic.</i>]	
Chickens	12	a dozen	{ 2 d. each in 1592
			{ 5½ each in 1593
Butter	4	a pound	{ 3 9 a dozen pounds 1592
			{ 4 ¾ a dozen pounds 1593
Wheat	6 8	a quarter	{ 20 10 a quarter 1592
			{ 24 8¾ a quarter 1593

The administration of purveyance was intrusted to a highly dignified body consisting of the Lord Steward, the Lord Treasurer of the Household, the Comptroller, the Master of the Household, the Cofferer, and two subordinates or clerks, who constituted a board known as the Green Cloth, so called from the covering of their council table. It had immediate jurisdiction about the palace, and earned its additional title of "the counting house of the king's household" (*Domus Computus Hospitii Regis*) from its supervision of all household expenses and payments.¹ To this end, it maintained a provision market at the palace gate under the care of the "clerk of the market of the king's house," whose office it was, in addition, to burn all false weights and measures, and to make advance preparations for royal progresses by warning the people to bake and brew and lay up store against Her Majesty's coming, at a maximum price determined by twelve men under oath.²

In more immediate contact with the people were the purveyors themselves, commissioned by the officers of the Green Cloth to deal directly with the counties, and to assess individual citizens. Their power inspired dread; their character, scorn. A contempo-

¹ Harland, *op. cit.*, p. 198.

² Bray, *op. cit.*, p. 331.

rary arraignment declares that "the perverse and crooked nature of this untoward cattle hath wasted with our laws and lawmakers many ages. It is hurtful to many and odious to all, therefore so well known it were superfluous to spend time in describing it."¹ Opportunities abounded for connivance with tax-dodgers, and for persecution of the petty sort that rankles sharpest.² It is not surprising to discover that a system so detested enabled the seditious to circulate false rumors of a threatened purveyance, when purveyance was really not intended. Thus in 1576 the North Riding of Yorkshire was electrified by news that the Queen purposed to seize all unmarked cattle for her own use³—an abuse never contemplated by Elizabeth. The Queen sought to allay widespread discontent⁴ by bringing offenders to justice.⁵ Nor was she reluctant to hang her purveyor, Nichols, for abuse of his power.⁶ She quieted the Londoners' grievance, that purveyors discouraged communication with the country through their seizure of provision carts, by designating four times a year only for that service.⁷ But she frowned upon the two attempts of the Commons to regulate purveyance, as an encroachment upon her prerogative royal, and recommended them to their own business,⁸ the one statute on the subject which she permitted being a reaffirmation of the privileges of the universities.⁹

The heavy demands of commerce and war, as well as the destruction of woods for iron-smelting, gave such an added importance to British forests in Elizabeth's reign that purveyance in timber¹⁰ was a natural development, Magna Carta notwithstanding. Carts were by no means exempt; purveyance extended even to

¹ Hist. MSS Comm.; Salisbury MSS, 1592, IV, 258.

² Acts of the Privy Council, 1587–88, December 12, 1587, pp. 300–301.

³ Hist. MSS Comm.; Various Collections, II, p. 95.

⁴ Acts of the Privy Council, 1578–80, March 11, 1579, p. 415.

⁵ *Ibid.*, 1558–70, p. 241. See also Hist. MSS Comm., Appendix to VII; Molyneux Papers, September 26, 1576, p. 631a; *ibid.*, December 26, 1591, p. 650a.

⁶ Coke, *Institutes*, etc., pp. 545–46.

⁷ Bray, *op. cit.*, p. 352.

⁸ Harland, *op. cit.*, p. 197.

⁹ *Ibid.*

¹⁰ Acts of the Privy Council, 1588–89, April 21, 1589, pp. 141–42.

brick and tile,¹ and local necessities and emergencies invited the rapacity of collectors.² Yet there is no mention of such abuses under Elizabeth as disgraced purveyance under James. When two hundred carts were wanted by the latter, nine hundred were levied, so that the purveyors might receive bribes for their release.³

County and town officials were responsible to purveyors and to the Green Cloth for levies imposed. A portion of the ancient importance of the sheriff remained in his authority over taxation, as upon him and upon the justices of the peace fell the responsibility for local obligations. The importance of solvent justices was early recognized by the government. The magistrates were chosen rather for property than for altruism, and standing as they did between the common people and the treasury, they were perfectly willing to shift the county burdens as far as possible from their own shoulders. Their selfishness was well known to the Privy Council, as is occasionally indicated in the contemptuous tone of the letters of instruction sent out from London. There is even evidence of collusion between the justices and the purveyors to defraud the people. When the Queen's Council was obliged to issue repeated orders for a return to their owners of provisions seized two years before, the reluctance of the justices to comply conveys a sinister suspicion of graft.⁴ Under a system of direct purveyance, the crown officers could enforce their own assessments. If on the other hand, the county entered into a composition for purveyance, the justices assumed a heavier liability, in proportion as the strong hand of central authority was removed, while the shire itself escaped the visitation of purveyors. Before defining and considering the marked tendency toward such a composition under Elizabeth, however, varieties of purveyance should be further noted.

A royal progress brought into operation varied forms of purveyance, and illustrated the accidental nature of its incidence; for the towns which enjoyed the honor of the Queen's presence bore the

¹ Hist. MSS Comm., Appendix to VII; Molyneux Papers, July 16, 1600, p. 658*b*.

² Acts of the Privy Council, 1581-82, February 21 [1582], p. 330.

³ Journals of the House of Commons, 1547-1628, I, 190.

⁴ Hist. MSS Comm., Appendix to VII; Molyneux Papers, December 26, 1591, p. 650*a*. Cf. also Acts of the Privy Council, 1590-91, February 15 [1591], pp. 301-2, for unjust treatment of a butcher.

cost of her entertainment, and she traveled as became her station. The arrangements for the Queen's celebrated visit to Kenilworth in 1575 are characteristic.¹

Carriage to be appointed for all nobility and all office for the Queen and her house.²

No herdward, shoemaker or artificer to have carts but their carriage with horses.

Letters to be sent to the Sheriffs of Oxford and Warwick to levy 300 quarters of wheat in each shire, besides the privy bakehouse, or to say whether they can serve baked bread.

Letters to be sent to the Commissioners of the Peace of both shires or other gentlemen to know how the Queen may be served of beeves, muttons, veales lambs, herons, shovelards, bittors or any kind of fowl or fresh-water fish, rabbits, etc., and what may be served by the day at Woodstock, Coventry, Warwick and Killingworth and price set for the same for the time of her abode there.

Oxford and Coventry brewing may serve for Woodstock, Warwick and Killingworth, and also bought bread if need be.

A staple to be made for the p[o]lters for the month at Oxford and Coventry for the standing houses.

Salt store to be laid at [blank].

Wood of sorts to be had of the Queen's own about her Grace standing houses to be laid in and also rushes of the country.

Coals to be made out of such wood and laid in aforehand.

Order to be given by the Sheriffs of the shire at the said standing house by letters for laying in of hay, litter, oats, horsebread and such like.

Wines of all sorts to come from London and laid in the place appointed for the journey by the jesses.

If the ale of the country will not please the Queen, then it must come from London, or else a brewer to brew the same in the towns near.³

That ale and beer be brewed at Oxford and to serve within 20 miles of the same town.

Welcome as so encumbered a visitor might be to the great Earl her coming cast such terror upon smaller establishments that those whom the Queen delighted to honor were thrown on their wits to avert calamity by minimizing the attractions of their homes and the size of their wallets.⁴

¹ Hist. MSS Comm., Pepys MSS, p. 179.

² Bray, *op. cit.*, p. 334.

³ Mary Bateson, *Records of the Borough of Leicester*, III, 213, 214, 215.

⁴ Hist. MSS Comm., Appendix to VII; Molyneux Papers, August 2 [no year stated], p. 662a. See Kempe's *The Loseley Manuscripts*.

The Queen's prior right to the purchase of foodstuffs must have been vexatious to her loyal subjects the butchers, if the experience of one of them is typical. A deputy purveyor in Devon, though he had already levied on twenty-three oxen for Her Majesty's service, on hearing that a butcher of Dartmouth was intending to kill twenty oxen, made demand upon the County Sheriff for a restraining order "to forbear till the Queen be served, which will be in about eight days, otherwise the service will be greatly hindered, 'and I shall be enforced to take gentlemen's provision from them, which course I would loath to take.'"¹

The Queen had first claim to the purchase of sea food as well, and great was her indignation when fishermen contracted with London buyers by advance sale, and kept their catch out of the local markets. A rebuke to the Mayor of Rye, one of the towns offending in this matter, requires that thereafter the market for fish be held within one hour after the return of the boats, condemns the hiding away of the fish, and ordains that the Queen's purveyor, buying for Her Majesty's service, shall take precedence over all other customers.² In fish as in other purveyance, vigilance alone secured results. The fish were prone to arrive too late for the Queen's use, notwithstanding "many good orders sett downe."³ And at the close of the reign, the Star Chamber and the "Commissioners of Household Causes" were sifting charges and counter-charges of corruption among fishermen, London dealers, and purveyors.⁴ So devious was the guile of the wicked.

If the port towns owed special obligations, the universities enjoyed special exemptions. Immunity from purveyance had been granted time out of mind⁵ to Oxford and Cambridge in the interest of poor students, who might find it impossible to meet the high cost of living if royal impositions reduced supplies and enhanced prices. But the peculiar liberties of the universities led in 1590 to a legal conflict with Oxford as to the proper measure-

¹ Hist. MSS Comm.; Somerset Papers, March 1, 1594, p. 7.

² Hist. MSS Comm.; Rye MSS, May 26, 1594, pp. 109-10.

³ *Ibid.*, June 24, 1599, p. 117.

⁴ *Ibid.*, January 13 [1603], p. 125.

⁵ Bray, *op. cit.*, p. 348.

ment of purveyance-exempt lands. The crown admitted a five-mile limit, but contested the university's claim to seven. After citing statutes of Henry VIII and Philip and Mary, the court upheld the crown.¹

Government purchases of provisions for the army and navy also savored of purveyance, because the royal authority was constantly exerted to obtain them at "reasonable prices." Instead of determining the cost of maintaining an army at current quotations, an *a priori* estimate was set, and the prices of goods were induced to conform. So the "surveyor of victuals to the navy," in an estimate of £16,800 as the cost of eight thousand men for three months at sixpence a day, asks a royal commission to levy provisions at reasonable prices "otherwise it will be impossible to perform the service at the rate set down."²

When the county of Suffolk in a critical year, 1596, neglected its ordinary contribution to the navy of two hundred barrels of butter and two hundredweight of cheese, the Queen raised the assessment fivefold. But her chief interference was in restraint of trade, as she kept a weather eye on "sondry badgers, buyers, and factors," to whom the farmers were forbidden to sell until the needs of the navy were satisfied.³ Popular resentment at food purchases for the navy is scarcely intelligible in our day of pork barrels and the scramble for government contracts. But it must be remembered that Elizabeth's prices were far below the market, and offered no temptation to sellers. Besides, unequal levies of provisions might cause undue price fluctuations, or, in an era of poor transportation, actual food shortage.⁴

Throughout the entire reign, purveyance touched many phases of the nation's life, and operated more or less directly upon a large number of people. But the peril of the Armada, and the incessant shocks and alarms of subsequent years, put purveyance and the

¹ Acts of the Privy Council, 1590, July 13, 1590, pp. 318-21. Cf. also Statutes of the Realm, 2° and 3° Phil. and Mar., c. 15.

² Cal. S. P. Dom., 1591-94, January 31, 1594, p. 420. See also Acts of the Privy Council, 1592-93, August 12, 1593, p. 453; Hist. MSS. Comm.; Somerset Papers, January 14, 1596, p. 11; Acts of the Privy Council, 1595-96, December 14, 1595, p. 107.

³ Acts of the Privy Council, 1595-96, October 19, 1595, pp. 23-24.

⁴ *Ibid.*, December [14], 1595, pp. 107-8.

entire fiscal policy of Elizabeth to the acid test,¹ and accelerated the existing tendency to composition. This was an arrangement whereby the counties agreed to furnish their quota of provisions and services through their own organization of sheriffs and justices. These authorities sometimes agreed with third parties, compounders or tax farmers, who paid the stipulated money or provisions to the government, and then recovered as best they could from their neighbors. There was no intervention by purveyors unless the county defaulted in its payments. Evidence conflicts as to whether composition was in money or in kind, but it points toward the latter. Leicester invited the sheriff and justices of Surrey in 1587 "to offer such reasonable service unto her Ma'ty (by way of composic'on) of pvisions as yo^r Countrey doth best yeeld."² Punishment was threatened to those who refused to "paie and contribute towards theise provisions, of composic'on w^{ch} shalbe rated by the justices of peace of the said sheire."³ Bray declares that Elizabeth refused an early petition from several counties to accept money in lieu of goods, but agreed upon their several proportions in oxen, calves, muttuns, poultry, corn, etc.⁴ A comparatively small number of the farmers in a shire furnished the actual provisions agreed upon in composition. But their loss in selling at royal rather than at market prices was covered by local assessments distributed pro rata among hundreds and parishes.⁵ The labors of purveyors under composition were thus confined to receiving, shipping, and paying for goods. The more hateful features of spoliation and seizure were eliminated.

Composition in Lancashire dated from an agreement in 1582⁶ whereby a number of leading citizens contracted to deliver oxen annually at the Crestow pastures. The various hundreds within the shire ratified the compact by pledging from £8 to £26 toward

¹ Acts of the Privy Council, 1586-87, March 30, 1586, p. 45, shows an increased anxiety to deal fairly with the counties—a prudent measure in view of pending necessities.

² A. J. Kempe, *The Loseley Manuscripts*, p. 276.

³ *Ibid.*, p. 273.

⁴ Bray, *op. cit.*, p. 349.

⁵ *Ibid.*

⁶ Harland, *op. cit.*, p. 230.

the total,¹ levied under the name of ox money.² The internal working of this composition was not, however, uniformly smooth, and the shire was threatened with the renewed ministrations of a purveyor,³ an argument calculated to stir up the lukewarm.

But composition was not confined to oxen, nor to special counties. Miscellaneous items shared its benefits. The fishing towns contributed lings and cod, one hundred out of every ship-load.⁴ Iceland voyagers paid their usual fish tolls,⁵ while poultry from Hertford,⁶ and beer casks from Somerset⁷ swelled the Queen's receipts, even though the last-named must needs be paid by the "Treasurer for the Maimed Soldiers."⁸ Where counties failed in their obligations or wished to return to the older system, a six months' warning on either side might terminate the composition.⁹

A decided impetus to composition marked the last two decades¹⁰ of the reign. It culminated in a concerted plan which set October 19, 1592, for a conference between the officers of the Queen's household, and selected justices from twenty-five shires.¹¹ An inconvenient outbreak of the plague¹² caused a postponement till cold weather had reduced the danger of pestilence, when new summonses were issued to remind the counties "of all those intolerable abuses by the Purveyours imposed upon the countrey, which can hardlie be avoided untill the agreement now required shalbe made and performed,"¹³ and to advocate composition as the remedy. Most of the counties submitted to, or at least gave ear

¹ *Ibid.*, p. 231.

² *Ibid.*, p. 198.

³ *Ibid.*, p. 230.

⁴ Bray, *op. cit.*, p. 350.

⁵ *Ibid.*, p. 351.

⁶ Hardy, *op. cit.*, I, 26, Sessions for 1597-98.

⁷ E. H. Bates, *Quarter Sessions Records for the County of Somerset*, I, xli and xlii.

⁸ *Ibid.*, p. 153.

⁹ Hardy, *op. cit.*, I, 16. See also A. H. A. Hamilton, *Quarter Sessions from Queen Elizabeth to Queen Anne*, p. 9.

¹⁰ Hist. MSS Comm.; Rutland MSS, December 3, 1583, I, 155.

¹¹ Acts of the Privy Council, 1592, October 11, 1592, p. 231.

¹² *Ibid.*

¹³ Acts of the Privy Council, 1592, December 4, 1592, pp. 336-37.

to, a royal wish which appeared to coincide so entirely with their own interests,¹ and the simplifying of English taxation seemed happily begun.

But so many tatters of feudal individualism clung about the newer nationalism that gropings after uniform taxation were not a complete success. The promiscuity of taxation was indeed the chief barrier to its own reform. Equality in one field meant greater inequality for the whole. For a maritime county burdened with ship money to recognize equal obligation for purveyance with a grazing county inland meant the overthrow of whatever balance already subsisted. Consequently the reluctance of some counties to convert an occasional visitation by purveyors, however disagreeable it might be, into a fixed agreement of composition was neither wholly stupid nor wholly unintelligible.²

Moreover, local privileges,³ special exemptions under town charters, so interfered at every step with even the sanest efforts toward equalization that equity in taxation was Utopian. The best the Council could do when such insignificancies as the Isle of Purbeck,⁴ the liberties of Gillingham, Weeke Regis, Stower Provost, etc., stood boldly forth upon their rights as Britons, was to require their representatives to fetch along charters in proof of all claims, to the end "that they maie be considered of how farr forthe they are to be allowed against her Majesty's prerogative."⁵ In disputed cases, the Queen proceeded cautiously, imposing only a provisional tax, subject to judicial revision.⁶ But she discouraged further extension of immunities.⁷

¹ For an exception, see Berkshire, in Acts of the Privy Council, 1592, December 25, 1592, pp. 377-78.

² Cal. S. P. Dom., 1591-94, pp. 364-65, recites the objections of Kent to equal rating with Essex.

³ Thomas Cromwell, *History and Description of the Ancient Town and Borough of Colchester*, I, 86. See also Bray, *op. cit.*, p. 352.

⁴ Acts of the Privy Council, 1592-93, July 2, 1593, pp. 354-55. See also August 12, 1593, p. 457.

⁵ *Ibid.*, July 2, 1593, pp. 354-55.

⁶ *Ibid.*, August 15, 1593, pp. 468-69. See also August 12, 1593, pp. 452-53.

⁷ Hist. MSS Comm., Appendix to VII; G. A. Lowndes Papers, February 16 [1594], p. 54ob.

The general composition did not remove all grievances. Lincolnshire, for example, complained that distance from market increased delivery costs with no compensation in prices.¹ In addition to this, the Green Cloth stood guard against inferior cattle, and the refusal of deputies to accept whatever offered was something of a nuisance to taxpayers.² Not content with these vexations, collectors rode rough-shod over local immunities.³ Altogether, the workings of composition exhibited many of the frailties long execrated in purveyance.

The counties having agreed upon fixed assessments, the levy of these devolved upon chosen persons who "compounded" the provisions due from their districts, and who then endeavored to collect from their neighbors. Such a method would seem to have offered rare opportunities for speculation, and to have promoted the rise of a tax capitalist class, but this did not result. In some cases, the justices of the peace mediated directly;⁴ in others, they persuaded third parties to assume the risks. Doubtless some ventures netted a profit, but too often the compounders were treated as burnt offerings, and while they may have been of a sweet savor unto the Queen, and unto the faithless tax-dodgers, their neighbors, their own predicament was not enviable. So that their pleas for the recovery of their advancements were generally mingled with entreaties to shift the yoke from off their necks.⁵ Occasionally the Privy Council granted these requests,⁶ but practical politics urged the retention of men of caliber in posts of such delicacy, and dictated harsh proceedings toward defaulters,⁷ rather than clearance papers for "compounders."

¹ Cal. S. P. Dom., 1595-97, July 10, 1595, p. 70.

² *Ibid.* See also for Derbyshire, Hist. MSS Comm.; Rutland MSS, February 8, 1595-[96], I, 330.

³ Cal. S. P. Dom., 1595-97, January 15, 1596, p. 162.

⁴ Acts of the Privy Council, 1590-91, p. 301, where "compounders" and "Justices of the Peace" are used in apposition.

⁵ Acts of the Privy Council, 1595-96, November 26, 1595, pp. 81, 82, 83.

⁶ *Ibid.*; to be inferred from p. 82.

⁷ Hist. MSS Comm.; Rutland MSS, February 3 [1597], I, 336; Acts of the Privy Council, 1595-96, May 19, 1596, pp. 408-9; Hist. MSS Comm.; Rutland MSS, September 13, and September 18, 1597, I, 342, 343.

Under such conditions, the farmers of the revenue lay between the upper and the nether millstone. If the government were lax, they, as responsible for taxes, might be left stranded by their constituents; if the government were harsh, their neighbors cursed them. A Norfolk case indicates still a third possibility. The justices of the peace had levied a contribution of wheat and provisions, but the "Marshalle's men" were compelled to arrest delinquents for non-payment, and to seize the goods in question. Their severity moved the justices to complain to the Privy Council. This repository of authority upheld the local magistrates against the crown officer, commanded a restitution of goods, and concluded with the mild intimation that future offenders would be hailed before the Council itself.¹ Such was the union of magisterial "trimming" and executive forbearance.

Nevertheless, indifference to the responsibilities assumed by its sponsors in composition exposed a county to the resumption of direct purveyance. The reluctance of the crown to return to this clumsy method yielded at times to the necessities of discipline, and at all events purveyance remained a useful threat.² A protracted correspondence between the Green Cloth and certain Derbyshire justices throws into high relief the patient determination of the crown in upholding its rights against the exasperating obstinacy of the county in withholding them. The following is worth quotation in full:

1598, April 14. The Court at Westminster.—Mr. Sergeant Lancaster, the master of the household, and the other officers of the Acatrie³ were at Creslowe on the tenth of this month, and remained there four days, to their great charge, expecting the delivery of your sheep according to your composition, but could not hear from you, which makes us marvel much that you have

¹ Acts of the Privy Council, 1596-97, August 9, 1596, p. 99.

² John Hawarde, *Les Reportes del Cases in Camera Stellata*, 1593-1609, July 1, 1596, p. 58; ed. by W. P. Baildon, 1894.

³ Cal.f S. P. Dom., 1595-97, January 19, 1596, p. 163: "Note that the serjeant of the Acatry has for his fee the head, tongue, midriff, paunch, and four feet of every ox killed in Her Majesty's service; except that weekly the tongues of four oxen, one day's killing, at 1*d.* each, are taken for her use, and from Michaelmas to Shrovetide, five or six paunches and feet weekly at 8*d.* the paunch and four feet. The yeomen and grooms have the belly piece, rump, and sticking pieces of oxen, heads of sheep, and gather [*sic*] and feet of calves. The clerk has the skins and heads of calves."

so little care therein. You know that we might forfeit two shillings and sixpence for each sheep, and send down a purveyor, which would prove very grievous to the country, to be imposed generally upon every one through the negligence of some private persons. We do not wish, therefore, to take so strict a course against you on condition that the sheep are delivered at Creslowe on the 10th of May next, in good condition, and that the charges of the bearer of this letter be defrayed.¹

Thus menaced by old-fashioned purveyance, the justices besought the Earl of Shrewsbury, a leading citizen of the county, to select a victim to compound for the shire, Robert Mylwarde, the former undertaker, having refused to renew his contract.² They authorized His Lordship to offer toward the composition £160 or £180, "which is quite as much as Nottinghamshire pays." And, to increase the likelihood of payment, they solicited a warrant for seizure of goods from unwilling contributors. By way of propitiation, they added a presentiment that they would be ready before the end of the midsummer term to meet all requirements.³

The Earl accepted the commission, but got little for his pains. Though he offered £200, instead of the maximum his correspondents named, the officers of the Green Cloth were incensed at the dilatory tactics of the shire. They contended that £200 was hopelessly inadequate, and on May 8, forty-eight hours before the day of grace granted in April,⁴ they reminded the justices that the Queen's purveyor already had instructions on how to proceed in the event that the cattle were not promptly forthcoming.⁵

Meanwhile the Earl communicated to his clients that the purveyor, Walton by name, had similar instructions for Yorkshire and Staffordshire, that he was really not so bad a fellow, and that, in His Lordship's opinion, a settlement could be reached for £220. This estimate, plus a bonus of £20 for Walton,⁶ proved correct, and on June 24, six weeks after the cattle were due, the justices informed the "Cloth" that they would have their £220 ready by July 20. At the same time they protested that their own intentions had all

¹ Hist. MSS Comm.; Rutland MSS, April 14, 1598, I, 344-45.

² Long experience had made him weary of well-doing; see Rutland MSS, December 18, 1583, I, 157.

³ *Ibid.*, April 25, 1598, I, 34.

⁵ Rutland MSS, May 8, 1598, I, 346.

⁴ *Supra.*

⁶ *Ibid.*, June, 1598, p. 347.

along been of the best, that the fault was the county's, and that even then they saw no way of recovering the sums they must themselves advance.¹ The justices were, in fact, at a disadvantage, and their desire to diffuse the burdens of purveyance by "some warrant of distraint, or commission to take cattle from those whom we find unwilling,"² was wholly natural. Why the crown refused is somewhat open to conjecture—possibly to avoid centering too much power in the local magistrates, more probably to protect the weak and poor from violence and extortion. The only concession to the justices was a promise to summon delinquents before the officers of the Green Cloth.³ The justices, on their side, were equally unsatisfactory. Their glib assurances were but empty words. The summer dragged on with nothing done. And on August 20, after months of temporizing, they declared themselves unable to meet the composition.⁴

And in truth, the Queen's officers could make little headway against the poverty or the obstinacy of the shire. In 1598, it was still owing Robert Mylwarde for purveyance advances three years overdue⁵—eloquent testimony to the sorrows of compounders. In such a case, hope of simplifying taxes through composition was doomed to disappointment, and confusion arose between the old system of direct purveyance, and the newer plan of 1593.

The conflict of the two was apparent in the Derbyshire case in question. The decision of the justices to abandon the composition by no means ended the controversy. Purveyance was the alternative. Always more severe and vexatious, this led to a renewed desire for composition, though to assess it was unlawful without a formal renewal of compact between Shire and "Cloth."⁶ To bring this about on favorable terms, the good offices of Shrewsbury were again solicited. But he did not venture to compromise the influential position of a great lord at court by overzealous

¹ *Op. cit.*, June 24, 1598, p. 346.

² *Ibid.*

³ *Ibid.*, June 30, 1598, p. 347

⁴ *Ibid.*, August 20, 1598, p. 349.

⁵ Hist. MSS Comm.; Rutland MSS, October 22, 1598, I, 350.

⁶ *Ibid.*, April 17, 1599, I, pp. 352-53.

championship of offending justices.¹ Besides, the officers of the Green Cloth had a tactical advantage in the greater popularity of composition with yeomen and farmers,² among whom the activities of royal purveyors constantly renewed the desire for composition. Finally, in desperation,³ after reciting the grievous depredations of purveyors, the justices offered £180 for composition, and £20 to the purveyor "to shew further that our minds are dutiful and willing."⁴ The Green Cloth accepted the olive branch. In due time Job Lavender came up to court "to receive such sums of money as the Queen was wont to allow the country by the former composition."⁵ And even Mr. Mylwarde, the long-suffering compounder of earlier days, was not forgotten. He was invited to assume composition for "£200 a year and £10 a year toward his old debt."⁶ Whether he succumbed to the lure is not told. Experience should have taught him caution.

The economic interests involved in this triangle are readily seen. First, the crown must have revenue, and that with the minimum of friction. Hence its refusal to the justices of warrants for distraint of cattle. Secondly, the justices chafed under a system which held them responsible for taxes which it denied them the means to shift. Thirdly, the country people rejoiced because composition aimed primarily at their betters, and left them comparatively undisturbed. Lord Shrewsbury's individual problem, as head of one of the "first families" and a typical "leading citizen," was to maintain a stand-pat policy, conciliatory to the Queen, and patronizing to the county.

The preceding correspondence is undoubtedly representative of the provoking obstacles and irritations in Elizabethan taxation. Composition did not solve the problem, but it was a step forward, and Elizabeth's attempt to substitute composition for purveyance is creditable to her statesmanship. The obstacles she encountered

¹ *Ibid.*, April 30, 1599, I, p. 353.

² *Ibid.*, April 30, 1599, I, p. 353.

³ *Ibid.*, May 18, 1599, I, p. 354.

⁴ *Ibid.*, June 6, 1599, I, p. 354.

⁵ *Ibid.*, July 24, 1599, I, p. 355.

⁶ *Ibid.*, January 22 [1600], I, p. 358; see also February 4 [1600], p. 358.

but demonstrate the difficulty of superimposing a national system upon the remnants of feudalism. Thus, as a study in domestic politics, and considered in its relation to the larger aspects of taxation, purveyance under Elizabeth does not deserve the oblivion which has overtaken it. The variety of ways in which it oppressed the subject, the determination and energy with which the crown exacted yet strove to mitigate it, the impetus which was given to "composition," in an effort to generalize yet lighten it, all point to its place as an integral element of Elizabethan finance. James inherited purveyance along with the other ingredients of a clumsy scheme of taxation. But he did not inherit the tact and genius by which Elizabeth cast a spell over the most repulsive features of her government. Incompetent administration of this odious tax contributed largely to the unpopularity of the first two Stuarts. Its renunciation in 1660 by the third doubtless contributed to the success of the Restoration. But to Elizabeth belongs the credit of adapting a poor tool to a great need, and purveyance must claim its place among the instruments by which the government sustained itself at a critical period.

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